

Referring to the paragraph of the Office Action bridging pages 3 and 4, the Examiner asserts that the Phipps patent teaches the use of a keyboard. In actuality, Phipps teaches no such thing. Referring to column 4, line 4 thereof, the Phipps specification refers to "push buttons". As the Examiner is well aware, a few push buttons do not a keyboard make.

Referring to applicant's drawings, Figure 1 thereof discloses a 16 button keyboard of the type commonly used in cell phones and the like for text messaging, etc. It is true that a keyboard may comprise a multiplicity of push buttons, however, when used in a keyboard, the push buttons serve the common purpose of formulating entire messages. Applicant respectfully submits that in the Phipps patent the term "push buttons" means individual push buttons used in the conventional sense for such purpose as turning the device on and off, changes the device from one operational modality to another, etc.

Applicant further asserts that nowhere outside of his own specification is there any suggestion whatsoever of the use of a full and complete keyboard as a component part of a patient-worn medical monitoring device. Applicant respectfully submits that the Examiner's assertion that the Phipps teaches the use of a keyboard in a patient-worn medical monitoring device is in error.

Referring to the second full paragraph of the page 4 of the Office Action the Examiner states that the Phipps patent teaches "at least one sensor mounted in the housing for contact with the skin of a patient". Referring to Figure 2 of applicant's drawings applicant does in fact disclose at least one sensor mounted in the housing for contact with the skin of the wearer. However, applicant respectfully submits that the Phipps reference teaches no such thing.

Referring specifically to Figure 2 of the drawings of the Phipps patent and the corresponding portion of the Phipps specification which appears at column 4, line 63 through column 5, line 5,


Phipps teaches the use of “a wrist or armband 38 that can monitor pulse, blood pressure, or chemicals secreted by the subject’s skin”. The armband 38 is entirely distinct and separate from the personal data unit (PDU) and is connected thereto by a wire. Even if the armband 32 were to be connected to the PDU 14 wirelessly, the sensors comprising the armband 14 would not be “mounted in the housing” as is set forth in applicant’s claims.

Referring to the first full paragraph of page 5 of the Office Action the Examiner’s statement that the Phipps device includes “at least one slot extending into the housing for receiving blood-bearing strips” is simply not true. The portion of the Phipps specification referred to by the Examiner in the Office Action discloses “. . . a small chip that may be implanted into the subject’s body” Nowhere in the Phipps specification is there any suggestion whatsoever of providing a slot for receiving blood-bearing strips. Once again, applicant respectfully submits that the Examiner’s statement in this regard is clearly in error.

Applicant therefore respectfully submits that his invention as defined in the claim at issue herein is neither anticipated or rendered obvious by the Phipps reference. As is pointed out in detail above applicant respectfully submits that the Examiner has misinterpreted the Phipps reference insofar as its applicability to at least three components of the claimed invention are concerned. Favorable reconsideration of the application and allowance of the application as now presented are respectfully requested.

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Respectfully submitted,



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